

United States District Court
Eastern District of California

Albert Anthony Caraig,

Petitioner,

vs.

James A. Yates, Warden,

Respondent.

No. Civ. S 01-2066 GEB PAN P

Order

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October 10, 2003, the court dismissed the petition with leave to file an amended petition containing exhausted claims. February 7, 2005, petitioner notified the court he has exhausted available state remedies and moved to "consolidate" them with his amended petition.

Once a petitioner has presented to the state courts claims dismissed as unexhausted, he must file an amended petition containing all his claims. Rose v. Lundy, 455 U.S. 509 (1982).

Accordingly, petitioner's February 7, 2005, motion is

1 denied. Petitioner has 30 days from the date this order is
2 signed to file and serve an amended petition containing all his
3 claims.

4 So ordered.

5 Dated: August 30, 2005.

6 /s/ Peter A. Nowinski

7 PETER A. NOWINSKI

8 Magistrate Judge
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